रजिस्ट्री सं० डी० 221 REGISTERED NO. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
PART II—Section 1
भाग II—खण्ड 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 93] नई दिल्ली, शुक्रवार, दिसम्बर 31, 1971/पौष 10, 1893
No. 93[NEW DELHI, FRIDAY, DECEMBER 31, 1971/PAUSA 10, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 31st December, 1971/Pausa 10, 1893 (Saka)

The following Acts of Parliament received the assent of the President on the 30th December, 1971, and are hereby published for general information:—

THE SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1971

No. 77 OF 1971

[*30th December*, 1971]

An Act to amend the Supreme Court Judges (Conditions of Service) Act, 1958

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Supreme Court Judges (Conditions of Service) Amendment Act, 1971. Short title and commencement.

(*2*) Section 3 shall be deemed to have come into force on the 1st day of May, 1958, clauses (*a*) and (*b*) of section 4 shall be deemed to have come into force on the 17th day of October, 1958 and the other provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 3 of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the principal Act), in sub-section (*1*), for clause (*a*), the following clause shall be substituted, namely:— Amendment of section 3.

41 of 1958.

"(*a*) leave on full allowances (including commuted leave on half allowances into leave on full allowances on medical certificate); or".

Amendment of section 4.

3. In clause (*a*) of sub-section (2) of section 4 of the principal Act,—

(*a*) in sub-clause (*i*), the word "and", occurring at the end, shall be omitted;

(*b*) after sub-clause (*ii*), the follwing sub-clause shall be inserted, namely:—

"(*iii*) where the Judge was, prior to his appointment as such, a Judge of a High Court, the period of leave earned by him as a Judge of the High Court, so, however, that such period shall not exceed four months in terms of leave on half allowances; and".

Amendment of section 5.

4. In section 5 of the principal Act,—

(*a*) in sub-section (*1*), after the words "three years", the brackets, words, figures and letter "[including the period credited to his leave account under sub-section (*2*) (*a*) (*iii*) of section 4 as leave earned by him as a Judge of a High Court]" shall be inserted;

(*b*) in sub-section (*2*), for the words, brackets, figures and letter "credited to his leave account under sub-section (*2*) (*a*) (*ii*) of section 4 as compensation for vacation not enjoyed.", the following shall be substituted, namely:—

"credited to his leave account—

(*a*) under sub-section (*2*) (*a*) (*ii*) of section 4 as compensation for vacation not enjoyed, and

(*b*) under sub-section (*2*) (*a*) (*iii*) of section 4 as leave earned by him as a Judge of a High Court.";

(*c*) in sub-section (*3*), for the words "The maximum period of leave which may be granted", the words, brackets, figures and letter "Subject to the provisions of sub-section (*2*) of section 5A, the maximum period of leave which may be granted" shall be substituted.

Insertion of new section 5A

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

Commutation of leave on half allowances into leave on full allowances

"5A. (*1*) Notwithstanding anything contained in sub-section (*2*) of section 5, a Judge may be permitted to commute leave on half allowances into leave on full allowances on medical certificate up to a maximum of three months during the whole period of his leave as a Judge.

(*2*) In computing the maximum period of leave on full allowances which may be granted at one time to a Judge under sub-section (*3*) of section 5, the amount of commuted leave permitted to him under this section shall not be taken into account.".

Amendment of section 9

6. In section 9 of the prinicpal Act, to sub-section (*2*), the following proviso shall be added, namely:—

"Provided that the monthly rate of leave allowances payable to a Judge in respect of leave credited to his leave account under sub-section (*2*) (*a*) (*iii*) of section 4 shall not exceed the rate of leave

allowances admissible to him therefor as a Judge of a High Court and shall be payable by the State Government concerned.".

Amendment of section 24.

7. In section 24 of the principal Act, for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

THE HIGH COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1971

No. 78 OF 1971

[30*th December*, 1971]

An Act further to amend the High Court Judges (Conditions of Service) Act, 1954.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (*1*) This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1971. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the High Court Judges (Conditions of Service) Act, 1954 (hereinafter referred to as the principal Act), in sub-section (*1*), in sub-clause (*ii*) of clause (*h*), for the words "one month", the words "forty-five days" shall be substituted. Amendment of section 2.

28 of 1954.

3. In section 3 of the principal Act, in sub-section (*1*), for clause (*a*), the following clause shall be substituted, namely:— Amendment of section 3.

"(a) leave on full allowanes (including commuted leave on half allowances into leave on full allowances on medical certificate); or".

Amendment of section 5.

4. In section 5 of the principal Act, in sub-section (*3*), for the words "The maximum period of leave which may be granted", the words, brackets, figures and letter "Subject to the provisions of sub-section (*2*) of section 5A, the maximum period of leave which may be granted" shall be substituted.

Insertion of new section 5A.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

Commutation of leave on half allowances into leave on full allowances.

"5A. (*1*) Notwithstanding anything contained in sub-section (*2*) of section 5, a Judge may be permitted to commute leave on half allowances into leave on full allowances on medical certificate up to a maximum of three months during the whole period of his service as a Judge.

(*2*) In computing the maximum period of leave on full allowances which may be granted at one time to a Judge under sub-section (*3*) of section 5, the amount of commuted leave permitted to him under this section shall not be taken into account.".

Amendment of section 9.

6. In section 9 of the principal Act, in sub-section (*1*), for the words "for the first month of such leave", the words "for the first forty-five days of such leave" shall be substituted.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI. 1972